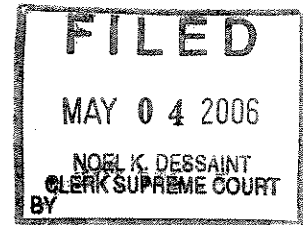


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MAY - 4 2006

CLERK SUPREME COURT

In the Supreme Court
of the State of Arizona



In re: Proposed Rule Change,
R05-0034 }

Comment

I retired from the practice of law in Arizona in September of 2004; I am also admitted to the Colorado bar. I believe that the proposed changes to the status of "inactive" and "retired" members of the Arizona bar are ill advised.

Currently both inactive and retired members can return to active practice by paying the difference in current dues and completing MCLE for the current year with no requirement of either paying back dues or taking make-up MCLE. The proposed changes would require an inactive member to pay two years of back dues and complete two years of make-up MCLE. They would require a retired member to pay for "up to" 10 years of back dues and take "up to" three years of make-up MCLE.

In addition, once a member "retired," he could only change to "inactive" status if he returned to active status in another jurisdiction. However, simultaneously, a "retired" member supposedly would be barred from practicing "in any jurisdiction."

These proposals would mean that a person retired for, say, eight years would have to pay "up to" eight times \$460 plus \$460, or \$4140 (at present rates) in fees and take the current year's MCLE and "up to" three years' worth of make-up MCLE, or 60 hours,

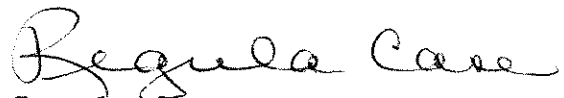
to become re-instated. 60 hours of MCLE alone would take months to complete and cost thousands of dollars. The proposal also does not specify who decides how many years worth of dues "up to" 10 years a member seeking to return to active status must pay or how many years of MCLE he must take, or what standards should guide that determination.

The need to ensure continued competence in a practitioner who has long been out of practice is obvious. However, the financial double-barrel of fees and MCLE looks deliberately prohibitive and motivated rather baldly by financial and competitive concerns. For example, for what logical reason should a retired member seeking re-activation be required to pay membership dues for years during which he was not active and derived no benefit from being a member?

Finally, it is proposed that the retirement of a member of the Arizona state bar prohibits that member from practicing "in any jurisdiction." However, a practitioner's Arizona state bar status cannot per se control that member's status in another state. To the contrary, federalism and comity mandate that every state is empowered to control its own lawyers (only).

The proposed changes are expensive, impractical, vindictive, and poorly conceived. They should be rejected.

Respectfully submitted this 3rd day of May, 2006.


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CERTIFICATE OF MAILING

I hereby certify that on this 3rd day of May, 2006,
I mailed a copy of the foregoing Comment to the Petitioner,
as follows:

Helen Perry Grimwood, President
State Bar of Arizona
4201 N. 24th Street, Suite 200
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